

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 19**

STAR LAKE ENTERPRISE, INC.

Employer

and

KELLY CHARLES MACMULLAN, an Individual

Case 19-RD-3461

Petitioner

and

ROOFERS UNION LOCAL 153

Union

DECISION AND ORDER

By this petition the Petitioner, an employee of the Employer, seeks a decertification election. The parties have entered into a Stipulation, waiving a hearing on this matter.

The Stipulation recites that the Employer is engaged in the building and construction industry, that the parties have a Section 9(a) relationship, and their most recent collective bargaining agreement expired on June 1, 2000.

The Employer's workforce consists of the owner/supervisor and one regular full-time employee, the Petitioner. In the past, the Employer has sporadically hired employees, but none worked enough to be eligible under a *Daniel Construction Co.*, 167 NLRB 1078 (1967)/*Steiny & Co.*, 308 NLRB 1323 (1992) eligibility formula. From all that can be seen from the past and predicted future employment, the Employer now has a permanent one-employee workforce.

Given the foregoing stipulated facts, I conclude that no question concerning representation exists and shall dismiss the petition. That is, the Employer has a permanent single-employee workforce, and "collective bargaining" by definition cannot be conducted under such circumstances. A single employee unit is not "an appropriate bargaining unit" under the Act. Under

these circumstances, the Employer has no legal obligation to bargain with the Union.

ORDER

The petition is hereby dismissed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 - 14th Street N.W., Washington, D. C. 20570. This request must be received by the Board in Washington by October 26, 2000.

DATED at Seattle, Washington, this 12th day of October 2000.

/s/ PAUL EGGERT

Paul Eggert, Regional Director
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